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January 14, 2008

FILED BY ECF

Hon. Naomi R. Buchwald, U.S.D.C.
United States District Court
Southern District of New York
500 Pearl Street, Room 2270
New York, NY 10007

Re: The Disco Biscuits vs. Sunset Records Group, Inc. *et al.*
Dk # 1:07-CV-5909 (NRB) S.D.N.Y.

Dear Judge Buchwald:

As you may know our law firm represents the Plaintiff in the above-referenced Action.

At the last Court conference, the Court Ordered the parties to meet and attempt to settle this Action. On January 11, 2008, the parties met and were unsuccessful in reaching a financial resolution to this Action.

The parties did however reduce the issues between the parties, identified the defenses and had a positive discussion regarding whether this case is a copyright matter (as the Plaintiff believes) or a breach of contract action.

Since the parties were unable to resolve the Action, the parties have proposed a Case Management and Scheduling Order that is attached to this letter. The parties offer this letter and the proposed Order as a joint request after discussion and review by both counsel in this Action. If a substitution of Defendants' counsel becomes necessary, the Defendants respectfully

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request that the proposed Case Management and Scheduling Order be amended to permit new counsel to become familiar with the Action.

Since this case is unlikely to settle in the near future, the parties will continue the discovery process as outlined in the proposed Order.

Thank you for your courtesies in this matter.

Respectfully submitted,

THE SCHER LAW FIRM, LLP

A handwritten signature in black ink, appearing to read "Robert S. Nayberg".

Robert S. Nayberg, Esq.
(RN-7566)

MHS:arg

cc: Michael D. Ritigstein, Esq., Defendants' Counsel (by ECF)